

Notice of Allowability

Application No.

09/901,012

Examiner

Dennis Rosario-Vasquez

Applicant(s)

TORIYAMA, HIDEYUKI

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend. 08/05/2004.
2. ☒ The allowed claim(s) is/are 2-12.
3. ☒ The drawings filed on 11 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 01/01/2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


DANIEL MIRIAM
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James M. Denaro on January 10, 2005.

In claim 4, line 4, change "with use" to --with a use--.

In claim 4, line 6, change "calculating difference" to --calculating a difference--.

In claim 5, line 4, change "with use" to --with a use--.

In claim 5, line 6, change "calculating difference" to --calculating a difference--.

In claim 8, line 6, change "use" to --a use--.

In claim 8, line 6, change "calculating difference" to --calculating a difference--.

In claim 9, line 4, change "with use" to --with a use--.

In claim 9, line 6, change "calculating difference" to --calculating a difference--.

In claim 10, line 4, change "with use" to --with a use--.

In claim 10, line 5, change "calculating difference" to --calculating a difference--.

In claim 11, line 4, change "with use" to --with a use--.

In claim 11, line 5, change "calculating difference" to --calculating a difference--.

In claim 12, line 10, change "calculating difference" to --calculating a difference--.

In claim 12, line 12, change "through use" to --through a use--.

In claim 12, line 14, change "through use" to --through a use--.

In claim 12, line 17, change "for use" to --for a use--.

In claim 12, line 19, change "for use" to --for a use--.

Response to Amendment

2. The amendment was entered on August 5, 2004. Claims 2-12 are pending.

Response to Arguments

3. Applicant's arguments, see amendment, pages 7-11, filed August 5, 2004, with respect to claims 4,5 and 8-11 have been fully considered and are persuasive. The rejection of claims 4,5 and 8-11 has been withdrawn. Claims 2,3,6,7 depend from the respect claims 4,5 and 8-11, thus they too are allowable.

4. Applicant's arguments, see amendment, pages 11,12, filed August 5, 2004, with respect to claim 12 have been fully considered and are persuasive. The rejection of claim 12 has been withdrawn.

Allowable Subject Matter

5. Claims 2-12 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dennis Rosario-Vasquez
Unit 2621


DANIEL MIRIAM
PRIMARY EXAMINER